

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_0121A
Helmut FITZ : **Confirmation No. 3722**
Serial No. 10/766,478 : Group Art Unit 3637
Filed January 29, 2004 : Examiner Hanh Van Tran
DRAWER : **Mail Stop: AF**

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Subsequent to a Board decision mailed August 18, 2009 in connection with the above-referenced U.S. patent application, an Amendment After Final was prepared and filed on October 16, 2009 in order to accept allowable subject matter in the application. In particular, allowable dependent claims were amended so as to be placed into independent form, and a previously-allowed independent claim was also presented. On October 23, 2009, however, a Notice of Abandonment was issued in this application, and the Notice indicated that the application was abandoned based on the decision by the Board of Appeals because the period for seeking review had expired and there were no allowed claims.

In contrast to the statement in the Notice of Abandonment, claims 51 and 52 were allowed in the application. Furthermore, as noted above, several allowable dependent claims were amended so as to be placed into independent form in the Amendment After Final timely filed on October 16, 2009. Therefore, in view of the improper Notice of Abandonment, the Examiner was contacted by phone on October 26, October 27, October 29, October 30 and November 3, 2009 to request that the abandonment be withdrawn. The Examiner's supervisor at that time, Examiner Mai, was also contacted on November 3, 2009 to request withdrawal of the Notice of Abandonment. As a result of this series of messages, we were contacted by the Examiner and informed that the Notice of Abandonment would be withdrawn and a Notice of Allowance would be issued.

A follow-up review of this application in December 2010 revealed that the status of the application was still "abandoned." Therefore, the Examiner was again contacted by phone on December 29, 2010 to request that the abandonment be withdrawn and a Notice of Allowance be issued. The Examiner again indicated that he would have the case returned to pending status so as to be able to issue a Notice of Allowance.

A subsequent review of the status of this application in March 2011 revealed that the application was *still* in abandoned status. Thus, the Examiner was again contacted by phone on March 22, 2011, at which time the Examiner again indicated that he would have the case returned to pending status so as to issue a Notice of Allowance.

With no subsequent change in status for this application, the Examiner's supervisor was again contacted on April 14, 2011. On April 18, 2011, the Examiner's new supervisor, Examiner Jayne, left a message for the Applicant's undersigned representative indicating that the "normal" practice in these situations is for the Applicant to submit a written request for withdrawal of the Notice of Abandonment. Therefore, despite the Applicant's reliance on the verbal commitment by the Examiner to resolve this issue without the need for additional paperwork, the Applicant now hereby formally requests in writing that the Notice of Abandonment be withdrawn in view of the Amendment After Final which was timely filed on October 16, 2009, and that a Notice of Allowance be issued in view of that amendment and the indication of allowable subject matter.

Should the Examiner have any questions regarding this matter, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Helmut FITZ

/W. Douglas Hahm/
2011.04.20 13:55:48

By _____
-04'00'

W. Douglas Hahm
Registration No. 44,142
Attorney for Applicant

WDH/pth
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
April 20, 2011